

REMARKS

In the outstanding office action, claims 1-19 were presented for examination. Claims 1-8 were withdrawn from consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention. Claims 9-14 and 16-19 were rejected under 35 U.S.C. § 102(b) in view of U.S. Pat. Appl. Pub. No. 2001/0006287 A1, published on June 5, 2001 and based upon U.S. Pat. Appl. No. 09/748,147 filed by Tanase et al on December 27, 2000 ("Tanase"). Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanase in view of U.S. Pat. No. 6,460,877, which issued to Tanabe et al on October 8, 2002 ("Tanabe").

Claim Amendments

By the above amendment, applicant has canceled claims 1-8 to restrict the application to the invention claimed in claims 9-19, drawn to a method for folding an inflatable cushion.

§ 102(b) Rejections

Claims 9-14 and 16-19 were rejected as being anticipated by Tanase under 35 U.S.C. § 102(b), under which "[t]he identical invention must be shown in as complete detail as is contained in the...claim" for anticipation to be present. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). More particularly, under 35 U.S.C. § 102, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987).

Accordingly, applicant respectfully submits that the Tanase reference does not anticipate claims 9-14. Concerning claim 9, Tanase fails to show the recited step of creating a first end pleat adjacent to a securement end such that the first end pleat and the securement end define one side of a folded inflatable cushion. Rather, in Figure 9 and paragraph 0117, Tanase shows an air bag formed with an upper edge 10a extending to an upper portion 10c of the air bag at a 90-degree angle, as opposed to a pleat in which the airbag would fold back over itself at an acute angle, as described in paragraph 0025 of the

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Does not extend opposite 10e

Disposed above the air bag, does not define a side

90 degree angle bend, not a pleat

Folds extend parallel to 10e and 10c

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Finally, the Tanase reference fails to show the step of positioning an end portion extending from a final middle pleat toward the second end pleat opposite the traversing portion and disposed about the second end pleat, as recited in claim 9. Rather, as described in paragraph 117 with reference to Figure 9, Tanase shows the lower portion 10c of the air bag formed to extend first parallel to the direction of, instead of from or toward any of, the folds (see Figure 9 of Tanase as reproduced above), and then along the side of a lower edge 10a to the upper portion 10e, instead of about a second end pleat that extends from a traversing portion.

Thus, for at least the reasons outlined above, applicant respectfully submits that because the Tanase reference does not teach each and every limitation of claim 9, claim 9 is now in condition for allowance. Because claims 10-14 depend from either directly or indirectly from claim 9, applicant respectfully submits that Tanase does not anticipate claims 10-14 for at least the same reasons as it does not anticipate claim 9. Therefore, applicant respectfully submits that claims 9-14 are patentable over Tanase, and requests reconsideration and withdrawal of this rejection.

Applicant also respectfully submits that the Tanase reference does not anticipate claims 16-19. Concerning claim 16, Tanase fails to show the recited step of creating a first end pleat extending from a traversing portion apart from a securement end. Rather, in Figure 9 and paragraph 0117, Tanase shows an air bag formed with a bellows fold with folds extending parallel to, instead of from, an upper portion 10e, as shown in Figure 9 of Tanase as reproduced above. In addition, the fold disposed nearest to the upper portion 10e is also the fold that is disposed nearest to, rather than apart from, an upper edge 10a of the air bag that is adjacent to an attachment portion 20.

Moreover, the Tanase reference fails to show the steps of creating a series of middle pleats extending from the first end pleat back towards the securement end and creating a second end pleat extending from the middle pleats adjacent to the securement end, as recited in claim 16. Rather, as described in paragraph 0117 with reference to Figure 9, Tanase shows a bellows fold formed in the air bag such that the folds extend

away from the upper edge 10a that is adjacent to the attachment portion 20 towards a lower portion 10c disposed apart from the upper edge 10a.

Finally, the Tanase reference fails to show the step of positioning an end portion extending from the second end pleat about the middle pleats opposite the traversing portion and disposed about the first end pleat, as recited in claim 16. Rather, as described in paragraph 117 with reference to Figure 9, Tanase shows a side of a lower edge 10a of the air bag formed to extend about the bellow fold toward, instead of opposite, the upper portion 10e (as shown in Figure 9 of Tanase as reproduced above).

Thus, for at least the reasons outlined above, applicant respectfully submits that because the Tanase reference does not teach each and every limitation of claim 16, claim 16 is now in condition for allowance. Because claims 17-19 depend either directly or indirectly from claim 16, applicant respectfully submits that Tanase does not anticipate claims 17-19 for at least the same reasons as it does not anticipate claim 16. Therefore, applicant respectfully submits that claims 16-19 are patentable over Tanase, and requests reconsideration and withdrawal of this rejection.

§ 103(a) Rejection

Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Tanase reference in view of the Tanabe reference. A proper obviousness rejection requires establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, contains some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art have had a reasonable expectation of success, as determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Accordingly, applicant respectfully submits that the Tanabe reference, either alone or in combination with the Tanase reference, fails to teach or suggest all of the limitations of claim 15.

Claim 15 is dependent upon claim 9. For at least the reasons set forth above with regard to the 35 U.S.C. § 102(b) rejection of claim 9, Tanase fails to teach all the elements of claim 9; thus, Tanase also fails to teach all the elements of claim 15. Tanabe is applied to show an inflatable cushion folded by a machine. Tanabe, however, fails to show the steps of creating a first end pleat adjacent to a securement end such that the first end pleat and the securement end define one side of a folded inflatable cushion, creating a second end pleat extending from a traversing portion such that the first end pleat and the second end pleat are spaced apart by the traversing portion, and positioning an end portion extending from a final middle pleat toward the second end pleat opposite the traversing portion and disposed about the second end pleat, as recited in claim 9. Without at least these features being shown in Tanabe, the references, even if combined, do not teach or suggest all of the limitations of claim 9.

Where an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Accordingly, applicant respectfully submits that claim 15 is patentable over Tanase in view of Tanabe, and requests reconsideration and withdrawal of this rejection.

CONCLUSION

For all the above reasons, applicant respectfully submits that the claims are now in proper form, and that the claims all define patentably over the prior art. Therefore, applicant submits that this application is now in condition for allowance. Such action is most earnestly solicited. If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below for an interview.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130, maintained by the applicant's attorney.

Respectfully submitted,

By: /ChristopherCBoehm/
Christopher C. Boehm
Reg. No. 41,624

Date: February 28, 2007
Telephone: (248) 524-2300
Fax: 248-524-2700